

REMARKS

Amendments to the Claims

No new matter has been added.

Objections to the Claims

The Examiner objects to claims 1-3 for a typographical error. Applicants have amended the claims and request that the objection be withdrawn.

Rejections under 35 U.S.C. §112, Second Paragraph

“Longer Peptide”

The Examiner rejects claims 1-12, 14-18, 27, and 46-50 as indefinite for reciting the term “a longer polypeptide.” Applicants have amended the claims to recite “a longer polypeptide of at least 101 amino acids and at most 150 amino acids.” Support for an esat-6 peptide having 150 amino acids is found in the Specification, at page 7, lines 14. Support for “longer peptides” is found on page 4, line 10 in the Specification. Thus, Applicants submit that the Examiner’s rejection of “a longer peptide” has been overcome. Applicants request that the rejection be withdrawn.

“Immunologically Equivalent”

The Examiner rejects claims 1-12, 14-18, 27 and 46-51 as indefinite for reciting that the claimed polypeptide is “immunologically equivalent” to a polypeptide encoded by a member of the esat-6 gene family. (Office Action, pages 4-5). Applicants point out that the Specification discloses that a peptide is “immunologically equivalent” if both peptides satisfy one of property i) through property viii). (See Specification page 13, lines 1-3). The properties themselves are disclosed in the Specification from page 8, line 8 to page 10, line 3. Thus, Applicants submit that the term “immunologically equivalent” is clear. Applicants request that the rejection be withdrawn.

The Examiner has also indicated that the term "immunologically equivalent" is indefinite because the definition depends on an indefinite term; that is, the "longer polypeptide." Thus, if the Examiner finds that the term "longer polypeptide" is definite the term "immunologically equivalent" should also be definite. Applicants submit that the "longer peptide" has been amended to overcome the Examiner's indefiniteness rejection. Thus, Applicants submit that the Examiner's rejection of "immunologically equivalent" is also overcome. Applicants request that the rejection be withdrawn.

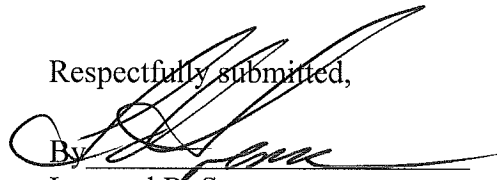
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson Reg. No. 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 20, 2008

Respectfully submitted,

By 

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